

Practitioner's Docket No. D-1138 DIV1

PATENT

Preliminary Classification: 235

Proposed Class: 375

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): David T. Frederick, James A. Michael and R. Michael McGrady

For (title): System and Method for Tracking Medical Items and Supplies

1. Type of Application

This transmittal is for a divisional application.

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is **mandatory**.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date Dec. 1, 2003 in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV319737997US, addressed to the: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Ralph E. Jocke

(type or print name of person mailing paper)

A handwritten signature in black ink, appearing to read "R. Jocke", written over a horizontal line.

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

2. Benefit of Prior U.S. Application 35 U.S.C. §120 and § 119(e)

This application is a divisional of U.S. Application No. 09/848,633 filed May 3, 2001, which claims the benefit of U.S. Provisional Application Serial No. 60/202,508 filed May 5, 2000.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

45 Page(s) of Specification

16 Page(s) of Claims

30 Sheet(s) of Drawing(s)—Formal

B. Other Papers Enclosed

3 Page(s) of declaration and power of attorney

1 Page(s) of abstract

5 Page(s) of Application Data Sheet

1 Page(s) of Non Publication Request

4. Additional Papers Enclosed

Amendment to claims: Cancel in this application claims 2-37 before calculating the filing fee.

Preliminary Amendment

Information Disclosure Statement (37 C.F.R. § 1.98)

Form PTO-1449 (PTO/SB/08A and 08B)

5. Declaration or Oath

A copy of the Declaration filed in parent application 09/848,633 is enclosed.

Executed by inventor(s).

6. Inventorship Statement

The inventorship for all the claims in this application are not the same and will be submitted upon request.

7. Language

English

8. Assignment

This is a divisional applictaion and the assignment document for the parent application 09/848,633 was previously filed.

9. Fee Calculation (37 C.F.R. 1.16)

Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$770.00
Total Claims (37 CFR 1.16(c))	1	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	1	- 3 =	0 x	\$80.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$270.00	\$0.00

Cancel extra claims before calculating the filing fee.

Filing Fee Calculation \$770.00

10. Assertion of Small Entity Status

Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.

Filing Fee Calculation (50% of above) \$385.00

11. Fee Payment Being Made at This Time

Enclosed

Filing Fee \$385.00

Total Fees Enclosed \$385.00

12. Method of Payment of Fees

Charge Account No. 10-0637 in the amount of \$385.00.
A duplicate of this transmittal is attached.

13. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 10-0637.

37 C.F.R. 1.16(a), (f) or (g) (filing fees)

37 C.F.R. 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

37 C.F.R. 1.17 (application processing fees)

14. Instructions as to Overpayment

Credit Account No. 10-0637.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION(S) CLAIMED
(37 C.F.R. § 1.78)**

This application is a divisional of copending application number 09/848,633 filed on May 3, 2001.

The nonprovisional application referenced above, namely application 09/848,633 filed May 3, 2001 claims the benefit of U.S. Provisional application(s) No(s):

Application No(s):

Filing Date

60/202,508

May 5, 2000

15. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed.

This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are the same.

The inventorship for all the claims in this application are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made will be submitted on request.

Reg. No. 31,029
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SIGNATURE OF PRACTITIONER

Ralph E. Jocke
Walker & Jocke
231 South Broadway
Medina, OH 44256

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David T. Frederick, et al.)
 Serial No.: (unknown))
 Filed: Herewith)
 For: SYSTEM AND METHOD FOR TRACKING)
 MEDICAL ITEMS AND SUPPLIES)

Non-publication Request Pursuant to 37 C.F.R. § 1.213

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

THE ABOVE REFERENCED APPLICATION FILED HERewith IS NOT TO BE
PUBLISHED UNDER 35 U.S.C. § 122(b).

It is hereby certified that the invention disclosed and claimed in the above-referenced application has not been and (unless this non-publication request is first rescinded in accordance with 37 C.F.R. § 1.213(b)) will not be the subject of an application filed in another country, or filed under a multilateral agreement, that requires publication of the application at eighteen (18) months after filing.

Respectfully submitted,


Ralph E. Jocke

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